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# THE OMAHA DAILY BEE

THE WEATHER
Showers

VOL. XLIV—NO. 293. OMAHA, WEDNESDAY MORNING, MAY 26, 1915. FOURTEEN PAGES. On Trains and at Hotel News Stands, 5c SINGLE COPY TWO CENTS.

## HIGHEST COURT IN NEW YORK RULES BECKER MUST DIE

Appeals Tribunal Upholds Second Conviction of Ex-Police Lieutenant for Murder of Rosenthal.

JUST TWO WAYS TO ESCAPE

Can Beat Death Chair Only by Obtaining Mercy from Whitman or Supreme Bench Action.

EXECUTION DATE RESET TODAY

ALBANY, N. Y., May 25.—The second conviction of former Police Lieutenant Charles Becker for instigating the murder of Herman Rosenthal, the New York gambler, was upheld today by the court of appeals. Becker now must die unless he can obtain clemency from Governor Whitman, who as district attorney of New York, prosecuted him, or the United States supreme coura interferes with habeas corpus writ or otherwise.

The chief judge, Willard Bartlett, wrote the prevailing opinion and Judges Hiscock, Chase, Collin, Cuddeback and Cardozo concurred. Judge Hogan dissented. Judge Samuel S. Eabury, who is a supreme court justice, presided at Becker's trial, but did not sit on the case in the higher court.

**Second Judgment Stands.**

Judge Bartlett held that although the first judgment of death against the defendant was reversed because he did not have a fair trial, the second judgment "is not assailable on that ground."

"Extensive as is the power of review vested in this court on a judgment of death, the law does not intend to substitute the conclusions of fact which may be drawn by seven judges for the conclusions of fact which have been drawn from the evidence by twelve jurors, unless we are clear that the view of the facts taken by the jury is wrong. It is our duty to affirm if the trial was fair and without legal error and the verdict was not against the weight of justice. We are to see to it that the trial was fair and that there was sufficient evidence with recognized rules of law to support the verdict; this done, the responsibility for the result rests with the jurors. Guiding our action by these established principles of criminal procedure in capital cases we do not feel justified in interfering with the verdict."

**Date Will Be Reset Soon.**

The date for the execution will be reset soon, probably tomorrow. It usually is dated about five weeks from the time a decision is rendered, so it is likely that June 28 or July 2 will be chosen.

Lieutenant Governor Schoeneck will act as governor between tomorrow and June 11, but there is no likelihood of his exercising executive clemency during that period, especially in this case.

The opinion said that the testimony of "Bridgie" Webber and "Bald Jack" Rose regarding the so-called "Harlem conference" at which the murder of Rosenthal was said to have been planned was true, and that it was corroborated on the second trial by James Marshall, a negro.

The testimony of Deputy Police Commissioner George A. Dougherty and Charles B. Plitt, commonly known as "Becker's press agent," also was held to be true.

## Uncle Joe Cannon Back from Hawaii

SAN FRANCISCO, Cal., May 25.—Congressman Joseph G. Cannon of Illinois an dtwelve colleagues arrived here today from Honolulu. Mr. Cannon said he hod not read the government's not to Germany about the Lusitania.

"But," he added, "there are too many notes and no action."

Party lines, those arrivin gtoday said, remained unbroken on the question of free sugar. Most of the contingent said they favored additional fortifications on the islands.

Twenty-nine members of the congressional party of 140 persons which left several weeks ago for a tour of the islands returned today.

## The Weather

Forecast till 7 p. m. Wednesday:

For Omaha, Council Bluffs and Vicinity—Unsettled, with showers; not much change in temperature.

**Temperature at Omaha Yesterday.**

| Hours. | Deg. |
|---|---|
| 5 a. m. | 60 |
| 6 a. m. | 61 |
| 7 a. m. | 63 |
| 8 a. m. | 65 |
| 9 a. m. | 68 |
| 10 a. m. | 70 |
| 11 a. m. | 73 |
| 12 m. | 77 |
| 1 p. m. | 81 |
| 2 p. m. | 81 |
| 3 p. m. | 82 |
| 4 p. m. | 83 |
| 5 p. m. | 82 |
| 6 p. m. | 81 |
| 7 p. m. | 81 |
| 8 p. m. | 80 |

**Comparative Local Record.**

| | 1915. | 1914. | 1913. | 1912. |
|---|---|---|---|---|
| Highest yesterday | 84 | 93 | 74 | 85 |
| Lowest yesterday | 60 | 69 | 60 | 59 |
| Mean temperature | 72 | 81 | 67 | 72 |
| Precipitation | 1.64 | .44 | .10 | .00 |

Temperature and precipitation departures from the normal:

| | |
|---|---|
| Normal temperature | 65 |
| Excess for the day | 7 |
| Total excess since March 1 | 59 |
| Normal precipitation | .13 inch |
| Excess for the day | 1.51 inches |
| Total rainfall since March 1 | 6.41 inches |
| Deficiency since March 1 | 1.47 inches |
| Deficiency for cor. period, 1914 | 2.76 inches |
| Excess for cor. period, 1913 | 3.34 inches |

**Reports from Stations at 7 P. M.**

| Station and State of Weather. | Temp. 7 p. m. | High-est. | Rain-fall. |
|---|---|---|---|
| Cheyenne, rain | 56 | 68 | .08 |
| Davenport, part cloudy | 68 | 78 | .92 |
| Denver, cloudy | 60 | 76 | .00 |
| Des Moines, cloudy | 71 | 80 | .54 |
| North Platte, cloudy | 60 | 80 | .00 |
| Omaha, part cloudy | 81 | 84 | 1.64 |
| Pueblo, cloudy | 74 | 82 | .06 |
| Rapid City, rain | 60 | 70 | .61 |
| Santa Fe, cloudy | 64 | 68 | .00 |
| Sheridan, rain | 52 | 64 | .64 |
| Sioux City, cloudy | 76 | 80 | .01 |
| Valentine, rain | 64 | 80 | .46 |

T indicates trace of precipitation.

L. A. WELSH, Local Forecaster.

SIXTY-SIX LUSITANIA VICTIMS in one grave, with coffins piled one above the other. Picture shows the funeral service.

## TWISTER KILLS ONE AND RUINS HOMES

Reaches Proportions of a Tornado in Garden County, Where Considerable Damage is Done.

SOME LIVE STOCK IS KILLED

According to Tuesday reports to the Union Pacific and Burlington railroad headquarters, a tornado of considerable severity passed over portions of Scott's Bluff, Morrill and Garden counties, in the west part of the state, Monday afternoon.

Reports indicate that three miles north of Oshkosh, in Garden county, Farmer Blair was killed when his house was wrecked by the storm.

From Bridgeport, Mrs. Groves, wife of one of the ditch riders, sustained a broken hip. A number of other parties who resided in the path of the storm that ranged from a few rods to half a mile in width were injured, most of them slightly.

Railroad telegraph wires into the storm stricken area are working badly and it has been impossible to secure any connected report of the damage wrought or the full extent of the storm. The early reports indicate that the storm was in the nature of a twister in some localities and a severe straight wind in others.

**Wind Follows.**

The wind followed a rain that had continued most of the afternoon. Apparently it started a couple of miles north of Bridgeport and moved southeast on the north side of the Platte river and most of the way through a rather sparsely settled country. Coming down in the vicinity of Minature, north of the town a number of farm houses and barns were destroyed, and from there, nothing seems to have been heard of it until it reached a point three miles north of Oskosh, the county seat of Garden county. At that point the storm had taken on the characteristics of a tornado and was moving southeast with great rapidity. In the neighborhood lived Blair, the man reported killed.

In the country north of Oskosh reports indicate that several houses and a large number of barns were destroyed. Crops were damaged and considerable live stock killed.

After leaving the section of country in the vicinity of Oskosh the storm apparently passed into the sandhills of McPherson county, where all trace of it was lost.

**Blair's Body Carried Half Mile.**

OSHKOSH, Neb., May 25.—(Special Telegram.)—A tornado struck about three miles north of Oshkosh last night, killing one man, J. F. Blair, a carpenter who lived alone. The storm appeared first rome nine miles northwest of town and destroyed several miles of fences and barns on the farms of H. Kaschke, William Elwood, Martin Madden and did other damage. It killed a cow for Madden and took a horn off each of two others. Everything on the Blair place was completely destroyed. Blair's dog woke up neighbors a mile away, who went over and found the buildings gone and no trace of Blair. More of the neighbors were called and after a search for some time they found the body lying in a pasture over half a mile east. Every bone in his body was broken and the body was horribly mangled. Hogs and pigs were found with splinters driven through their bodies, and feathers were taken off chickens. The house was turned over within thirty feet and the chimney driven into the ground. Blair was a widower about 65 years old and lived alone. He has an adopted daughter, Mrs. Maxwell, living in Antelope. The storm came without warning at 10 o'clock and left in an instant. It seems to have disappeared three miles northeast of Oshkosh. Several farmers say hail or ice measuring eight by ten inches in size fell scatteringly. A hot wind followed the storm. It is impossible to estimate the damage at present.

**Some Damage in Dodge.**

FREMONT, Neb., May 25.—(Special.)—The rain of Monday night totaling 1.78 inches at Fremont, brought the total

(Continued on Page Two, Column One.)

## United States is Prepared to Extend Credit to South American Neighbors

WASHINGTON, May 25.—Governor Hamlin of the federal reserve board, the first speaker at today's general session of the Pan-American financial conference, told the delegates that the United States never before was in the position it occupied today to extend its trade by granting credit to those nations which wish to be its customers.

This conference was declared by the governor to be an event of deep significance to the whole civilized world.

"I believe," said he, "that the world realizes today that the prosperity of the people of one nation in the long run tends to the prosperity of other nations, while the adversity of one people must ultimately tend to the adversity of others. Just as the individual prospers best when his country prospers, so the nation prospers best out of the prosperity of all nations."

Mr. Hamlin said he would leave to others a detailed explanation of how the financial resources of the United States have been strengthened by the federal reserve act, but he ventured the prediction that the banking system of the nation through that act will become "one of the strongest systems in the world."

Reviewing the history of financial legislation which followed the panic of 1907, and sketching the operations of the reserve act, he added:

"I think that growing out of this new banking act the time has come for a marvelous development in our foreign trade, especially with South America, and that an opportunity is given to finance that trade such as has never been possible before."

Governor Hamlin pointed out that the federal reserve law "authorizes national banks to accept bills of exchange growing out of the import and export trade and their discount at federal reserve banks.

"By this grant of power the so-called dollar acceptance is made for the first time possible," he said, "and this means much for the future development of our trade, especially with the great nations of Central and South America. It will add much to our ability to assist them in financing their sales to and purchases from the United States.

## WAR DIFFERENCES ALMOST COST LIFE

Frank Raddatz Shot by Father-in-Law, Who is Illustrating Superiority of German Drills.

GUN WAS THOUGHT TO BE EMPTY

Differences of sympathy and opinion concerning the European war, expressed by himself and his father-in-law during an argument, almost cost Frank Raddatz of Snyder, Neb., his life. He is now at St. Joseph hospital with five holes in his intestines from a bullet fired accidentally by the father-in-law, John Bilava.

"Which side of the war are you on?" Bilava is said to have asked Raddatz, when the former came to the son-in-law's farm near Snyder and started to talk of the war.

**Wishes Russians to Win.**

"I hope the Russians will win," Raddatz replied, whereupon the older man upbraided Raddatz for holding such a hope. "The Germans are the best soldiers. I was in the kaiser's army once myself. See how good I can drill yet."

The old man seized a Mauser rifle standing near by and, shouldering it, marched around to show off his military skill. Then he raised it to simulate firing, pointed it toward Raddatz and pulled the trigger, not knowing that the gun was loaded. A bullet pierced the left side of the son-in-law's abdomen, making a serious wound.

Raddatz was rushed to Omaha by his wife and the family physician. Drs. Allison and Dermody operated at St. Joseph's hospital Monday and removed the bullet, after finding five holes in the intestines. Now Raddatz has a good chance of recovery.

"No more war talk for me," he says.

## Michigan Solons Ask Frank's Life Be Spared

LANSING, Mich., May 25.—One of the last acts of the Michigan legislature, which adjourned today, was the adoption of resolutions urging the governor of Georgia to commute the death sentence of Leo M. Frank to life imprisonment.

## ITALY SUSPENDS PARCEL POST TO UNITED STATES

ROME, May 25.—The Italian postoffice department today notified the United States of the suspension of parcel post between the two countries. Packages now in the mails will be returned to the senders.

## GAS CLOUD 40 FEET HIGH ROUTS BRITISH

Fumes Used on Front of Over Five Miles, Cylinders Turning it Out Four and Half Hours.

FRENCH TAKE GERMAN TRENCH

LONDON, May 25.—A report received from Field Marshal Sir John French, under date of May 25, says:

"Some portions of our line east of Ypres, which were lost yesterday during the enemy's gas attack, have not yet been recovered. The amount of gas used was greater than on any previous occasion—over a front of five miles.

**Gas Cloud Forty Feet High.**

"The gas was emitted from cylinders throughout a period of four and a half hours, and at the same time our line was bombarded with asphyxiating shells. The gas cloud rose in places forty feet high from the ground.

"Portions of the line remained intact throughout the ordeal, and our men have demonstrated that, with due precautions, this form of attack can be met and defeated."

**French Make Gains.**

PARIS, May 25.—The official communication issued by the war office tonight announces that important progress has been made by the allies to the north of Arras and that one of he large German renches in the neighborhood of Souches, for the possession of which, fighting has been going on for more than two weeks has been captured.

## ROUMANIA PARLEYING WITH ENTENTE POWERS

LONDON, May 25.—A dispatch to the Daily Chronicle from Bucharest says:

"The Roumanian government is negotiating with the allies. King Ferdinand has reviewed the army and great enthusiasm prevails."

STOP OFF IN OMAHA
THE GATE CITY OF THE WEST
Omaha is strong not only in its public schools but also in its parochial schools. There are ten parochial schools and seven intermediate parochial schools here.

## JAPAN AND CHINA SIGN TWO TREATIES

Act Closes Negotiations Regarding Status of Shantung, Manchuria and Mongolia

CALL MINISTER KATO TRAITOR

WASHINGTON, May 25.—Tokio dispatches to the Japanese embassy say that at 3 p. m., May 25, two treaties covering the negotiations concerning the Shantung peninsula and Manchuria and Mongolia were signed and exchanged between Japan and China, with a note concerning other questions. No intimation of the contents of the note is contained in the dispatches.

Under the terms of the new treaty important concessions are granted by China to Japan. These concessions were made as a result of negotiations extending over several months following the presentation by Japan of a list of twenty-one demands. On May 7 Japan sent an ultimatum to China, at the same time waiving temporarily some of the important demands. China at once agreed to comply with the terms of the ultimatum.

The concessions granted to Japan have to do largely with industrial operations in China, particularly in regard to railroads and mines. China also engages not to cede or lease to any third power territory in specified districts. Japan is to receive special privileges in inner Mongolia.

**Near Riot in Japanese House.**

TOKIO, May 25.—While Foreign Minister Kato was explaining the Chinese situation in the House of Representatives today, a member of the oppisition arose and called the foreign minister a traitor. Saburo Shimada, president of the house, ordered the member to apologize. The member did, but his act was followed immediately by a violent combined attack of the opposition on President Shimada on the charge of having exceeded his powers. The incident finally was referred to a committee.

Private advices that anti-Japanese agitation is spreading through South China have caused uneasiness here. There are fears of rioting at Hankow.

## President Issues Neutrality Order

WASHINGTON, May 25.—A neutrality proclamation by the United States covering the entry of Italy in the European war was published today by the State department under date of May 24.

The proclamation cautions American citizens that "the laws and treaties of the United States without interfering with the free expression of opinion or sympathy, or with the commercial manufacture or sale of arms or munitions of war, nevertheless imposed upon all persons who may be within their territory and jurisdiction the duty of impartial neutrality during the existence of the contest."

The language of the proclamation is identical with the other neutrality proclamations issued during the present war.

## Packers Withdraw Requests They Made

WASHINGTON, March 25.—After conferences with British embassy officials late today the packers withdrew their request for representations by the American government pending the outcome of further negotiations with the embassy.

A number of American mea packers had been in conference at the State department during the day with the object of obtaining the department's aid in expediting prize court proceedings in England. Secretary Bryan said he understood prize court hearings in the hearings in the cases of four meat ships had been repeatedly postponed. The department promised to do what it could to induce the British government to bring them to early trial.

## BALFOUR NEW SEA LORD; KITCHENER IS STILL ON THE JOB

Lloyd George Made Minister of Munitions and Churchill Becomes Chancellor of Duchy of Lancaster.

ASQUITH AND GREY HOLD POSTS

King George Gives His Approval to the Coalition Government.

EXCHEQUER PLACE TO M'KENNA

LONDON, May 25.—Lord Kitchener retains the post of secretary of war in the new coalition cabinet, which has received the approval of King George. The new first lord of the admiralty will be Arthur J. Balfour. Winston Spencer Churchill, former head of the admiralty, is given the portfolio of chancellor of the duchy of Lancaster.

Herbert H. Asquith retains the premiership and Sir Edward Grey the ministry of foreign affairs. David Lloyd George, chancellor of the exchequer in the old cabinet, will be minister of munitions in the new one.

**The New Cabinet.**

The constitution of the new cabinet follows:

Prime minister and first lord of the treasury, Mr. Asquith.

Minister without portfolio, Lord Lansdowne.

Lord high chancellor, Sir Stanley O. Buckmaster.

Lord president of the council, Lord Crewe.

Lord privy seal, Lord Curzon of Kedleston.

Chancellor of th eexchequer, Reginald McKenna.

Secretary of state for home affairs, Sir John A. Simon.

Secretary of state for foreign affairs, Sir Edward rGey.

Secretary for the colonies, Andrew Bonar Law.

Secretary for India, J. Austen Chamberlain.

Secretary of state for war, Lord Kitchener.

Minister of munitions, David Lloyd George.

First lord of the admiralty, Arthur J. Balfour.

President of the board of trade, Walter Runciman.

President of the local government board, Walter Hume Long.

Chancellor of the duchy of Lancaster, Winston Spencer Churchill.

Chief secretary for Ireland, Augustine Birrell.

Secretary for Scotland, Thomas McKinnon Wood.

President of the board of agriculture, Lord Selborne.

First commissioner of works, Lewis Harcourt.

President of theb oard of education, Arthur Henderson.

Attorney general, Sir Edward Carson

Attorney general, Sir Edward Carson.

## Police Chiefs and Sheriffs in Council

CINCINNATI, May 25.—Active contests were in progress for next year's convention and several men were mentioned as candidates for president when the annual convention of the International Association of Chiefs of Police was opened for a four days' session here today.

The International Sheriffs' association and the International Association of Railway Special Agents met in joint session with the chiefs of police.

In a preliminary meeting the board of governors of the international bureau of identification elected the following officers: President, Joseph Quigley, chief of police of Rochester, N. Y.; vice president, Michael Regan, chief of police of Buffalo; general superintendent and secretary and treasurer, E. Van Buskirk of Washington.

## The Day's War News

**ITALY HAS INVADED AUSTRIA. Official announcement was made by the war office at Rome today that Italian forces had penetrated Austrian territory along a line running about forty miles north from the Gulf of Trieste, capturing four towns within two or three miles of the frontier.**

**AN ITALIAN DESTROYER raided the Austrian port of Buso, near the frontier, destroying the landings, railroad station and baracks. Two Austrians were killed, the first causalties officially reported in the new campaign.**

**HEAVY FIGHTING is in progress once more on the western end of the Franco-Belgian front. British, German and French forces are making attacks at various points between Arras and the coast. There is at yet no sign, however, of a general assault by the allies such as has been predicted.**

**DISPATCHES FROM ATHENS reiterate the report that the Turkish attack on Gallipoli peninsula, made with the pick of the Ottoman army, was a failure.**

**ONE OF THE AUSTRIAN WARSHIPS which took part in yesterday's attack on the east coast of Italy is believed in Rome to have been injured.**

**EIGHT ATTACKS were made by the Germans yesterday between Arras, in northern France, and the Belgian coast. The French official statement of today asserts all these attacks were repulsed.**

**DUTCH GOVERNMENT has sent to Germany a protest against the sinking of the Lusitania, which resulted in the death of several of its subjects.**

## AUSTRIANS AND ITALIANS MEET ON LAND AND SEA

Active Military and Naval Operations Between Former Members of the Triple Alliance Are in Progress.

TEUTON MOVE ON EAST CHECKED

Wedge Driven Into Russian Center on the River San is Forced Backward.

GERMANS USE GASES IN FRANCE

**BULLETIN.**

ROME, May 25.—(Via Paris.)—The Italian ministry of marine has given out an announcement, which reads:

"A steamer arriving at Barletta reports that while passing near the Promontory of Gargano at midnight last night it sighted an Austrian warship with a heavy list. It was escorted by four torpedo boats.

"This probably is the warship which was driven off from Barletta after having fired several shots.

LONDON, May 25.—Active military and naval operations are now under way between Austria-Hungary and Italy, but land forces of any great strength have not as yet come into contact. Air and naval raids of a minor character form the sum total of the first twenty-four hours of warfare between the former allies in the triple alliance.

It is generally understood that Italy has arrived at an agreement with its new allies under the terms of which it will sign the existing treaty not to conclude a separate peace.

On the eastern frontier, the signs of a check to what at one time seemed an overwhelming Austro-German offensive movement, are becoming more and more apparent. The flying wedge, which was driven into the Russian center along the San river, has been compelled to give ground by the energetic counter attacks of the Russians.

In the west General French reports that the Germans by the use of asphyxiating gases, succeeded in penetrating the British lines at two points, but he claims that some of the trenches lost as a result of these tactics were regained in the subsequent fighting. The contest is still raging.

Domestic politics continue to absorb attention in England, but there is delay in attaining definite results and the membership of the new cabinet has not as yet been announced. This delay, according to the Manchester Guardian, a ministerialist organ, is due to the insistence by the unionists on eight places in the cabinet as representing their numerical strength in the House of Commons.

A clean sweep is looked for in the admiralty, where it is expected that Baron Fisher, as well as Winston Spencer Churchill, will go.

**French Official Report.**

PARIS, May 25.—The French War office this afternoon gave out a report on the progress of hostilities, which reads:

"It was a night of considerable activity between the sea and Arras. In Belgium, following a violent bombardment, a German attacking column endeavored to gain a footing on the highway between Langemarck and Ypres. It was definitely checked.

"The Germans delivered attacks yesterday to the north of Ablain. In each case they were repulsed. To the north of Neuville they delivered four attacks, each of which was checked by the fire of our artillery.

"In these various aggressive endeavors, all of which resulted in complete failure, the enemy suffered heavy losses.

"Nothing has been reported from the remainder of the front."

**Consternation in Constantinople.**

ATHENS, May 25.—(Via London.)—Advices reaching here from Constantinople by mail describe the arrival in the Turkish capital of thousands of wounded from the Dardanelles, where the first Turkish army corps, composed of the

(Continued on Page Two, Column Two.)

THE WANT-AD. WAY

You can talk about Aladdin
And his bright and Magic lamp;
You can talk of all the Genii,
That appeared in vapor damp.

But when it comes to wonders
In a Twentieth century day,
You've got to take your hat off
To the Modern Want Ad way.

When you want help for the home, factory, office or store—when you want to rent a furnished room or apartment—when you want to find a lost article—or fill other various wants—you will get results quickly if you telephone Tyler 1000 and PUT IT IN THE OMAHA BEE.